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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,566	02/11/2004	Edmund B. Roessler	ZAHFRI P609US	2776
20210	7590	08/25/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,566

Applicant(s)

ROESSLER ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-14, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-8, 15, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claim 11 is objected to, as "the thrust tube" finds no clear support in the claims.

Correction is required.

Claim 9 is objected to, as "the ball and socket assembly of the steering linkage and the ball and socket assembly of the marine outdrive" finds no clear support in the claims.

2. Applicant makes reference to an Information Disclosure Statement being filed, however, the examiner cannot find same in the application.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,4,5,11,12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanzer.

Wanzer discloses a steering yoke actuated by a pair of actuators **34**. An outdrive is supported by the yoke, as well as a support linkage **35**. A U-joint is provided within the driveline as claimed to permit movement of the outdrive.

Re "for attachment" and "connectable", such are statements of intended use carrying little weight in that claim. Furthermore, the device of Wanzer is clearly "capable" of attachment to transom.

Re claim 5, such is method of making, which is accorded no weight in these apparatus claims.

5. Claims 1,10,11,14,17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson.

Ferguson discloses a transom, an outdrive having a propeller end (lower unit) and opposite end mounted "with" the transom (wiring or fuel line constitutes mounting "with" transom). A support linkage **31** is attached to transom and outdrive. A steering yoke is supported adjacent the lower unit and powered by a pair of actuators, "connectable" to the transom, via other elements of the assembly.

6. Claims 1,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lohse.

Lohse discloses an outdrive having a support linkage **12** attached to the transom, a steering yoke steered by a pair of actuators **18**.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wanzer.

Substitution of a screw drive for a hydraulic cylinder is considered to have been merely substitution of well known equivalents.

Such a substitution would have been desirable at the time the invention was made so as to provide for ease in hookup and control, as no hydraulic pump or hoses would be required.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohse.

Lohse fails to show a ball and socket joint on the linkage, as such are provided on the steering actuators only.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide ball and socket end fittings for all the actuators, not just the ones employed for steering.

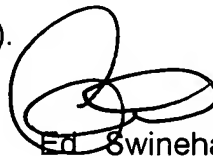
Such a combination would have been desirable at the time the invention was made so as to provide for slight misalignment of components.

10. Claims 6-8,15,16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart  
Primary Examiner  
Art Unit 3617